

FACSIMILE COVER SHEET

The Law Offices of
STRAUB & POKOTYLO

RECEIVED
CENTRAL FAX CENTER

APR 25 2008

788 Shrewsbury Ave.
Tinton Falls, NJ 07724

Telephone: 732-936-1400
Facsimile: 732-936-1401
Internet site: www.sp-ip.com

To: U.S. Patent and Trademark Office

Facsimile No.: (571) 273-8300

From: John C. Pokotylo, Esq.

Date: April 25, 2008

Number of Pages Including Cover: 9

MESSAGE: FORMAL SUBMISSION OF:

- 1) Transmittal (1 pg.);
- 2) Fee Transmittal (1 pg.) (in duplicate);
- 3) A copy of Notification of Missing Requirements Under 35 U.S.C. §371 (2 pgs.); and
- 4) An Executed Declaration and Power of Attorney form (3 pgs.).

Attorney Docket No.: Wuesthoff-10 (9A-99 194)

Appl. No.: 10/588,175

Applicants: Michael MROCHEN, et al.

Filed: August 2, 2006

Title: OPHTHALMOLOGICAL DEVICE

TC/A.U.:

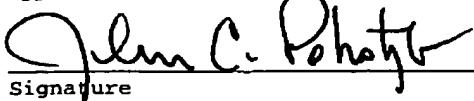
Examiner: Terry M. Johnson Vessels

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patents and Trademark Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification


Signature

April 25, 2008

Date

Modified PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2007

Effective 09/30/2007. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

RECEIVED

CENTRAL FAX CENTER

APR 25 2008

Application Number 10/588,175

Filing Date August 2, 2006

First Named Inventor Michael MROCHEN

Examiner Name Terry M. Johnson Vessels

Art Unit Not yet assigned

Attorney Docket No. Wuesthoff-10 (9A-99 194)

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
Deposit Account Name

50-1049

Straub & Pokotylo

The Commissioner is authorized to: (check all that apply)

- Charge any underpayment of fee(s) indicated below Credit any overpayments due in connection with the filing submitted herewith
 Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING, SEARCH & EXAMINATION FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
1030	515	Utility fee	
440	220	Design fee	
680	340	Plant fee	
1440	720	Reissue fee	
210	105	Provisional fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20*	=	X =
Multiple Dependent	- 3* =	X =	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 210	2201 105	Independent claims in excess of 3
1203 370	2203 185	Multiple dependent claim, if not paid
1204 210	2204 105	**Reissue independent claims over original patent
1205 50	2205 25	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 0.00)

* or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

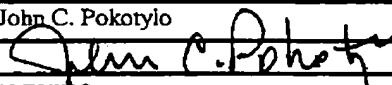
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	
1252 460	2252 230	Extension for reply within second month	
1253 1,050	2253 525	Extension for reply within third month	
1254 1,640	2254 820	Extension for reply within fourth month	
1255 2,230	2255 1,115	Extension for reply within fifth month	
1401 510	2401 255	Notice of Appeal	
1402 510	2402 255	Filing a brief in support of an appeal	
1403 1,030	2403 515	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 510	2452 255	Petition to revive - unavoidable	
1453 1,540	2453 770	Petition to revive - unintentional	
1501 1,440	2501 720	Utility issue fee (or reissue)	
1502 820	2502 410	Design issue fee	
1503 1,130	2503 565	Plant issue fee	
Petitions to the Commissioner – check fee sheet			
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 810	2809 405	Filing a submission after final rejection (37 CFR 1.129(e))	
1810 810	2810 405	For each additional invention to be examined (37 CFR 1.129(b))	
1801 810	2801 405	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

(Complete if applicable)

Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242	Telephone	(732) 936-1400
Signature				Date	April 25, 2008

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

Modified PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2007

Effective 09/30/2007. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

RECEIVED

CENTRAL FAX CENTER

APR 25 2008

Application Number 10/588,175

Filing Date August 2, 2006

First Named Inventor Michael MROCHEN

Examiner Name Terry M. Johnson Vessels

Art Unit Not yet assigned

Attorney Docket No. Wuesthoff-10 (9A-99 194)

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None Deposit Account:Deposit Account Number
Deposit Account Name50-1049
Straub & Pokotylo

The Commissioner is authorized to: (check all that apply)

 Charge any underpayment of fee(s) indicated below
 Credit any overpayments
 Charge any fee(s) due in connection with the filing submitted herewith
 Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING, SEARCH & EXAMINATION FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
1030	515	Utility fee	
440	220	Design fee	
680	340	Plant fee	
1440	720	Reissue fee	
210	105	Provisional fee	
SUBTOTAL (1)		(\$ 0.00)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X [] =	[]
Independent Claims	- 3** =	X [] =	[]
Multiple Dependent		[] =	[]

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 210	2201 105	Independent claims in excess of 3
1203 370	2203 185	Multiple dependent claim, if not paid
1204 210	2204 105	**Reissue independent claims over original patent
1205 50	2205 25	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 0.00)

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

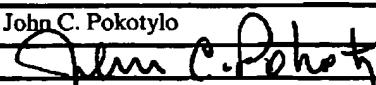
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	
1252 460	2252 230	Extension for reply within second month	
1253 1,050	2253 525	Extension for reply within third month	
1254 1,840	2254 820	Extension for reply within fourth month	
1255 2,230	2255 1,115	Extension for reply within fifth month	
1401 510	2401 255	Notice of Appeal	
1402 510	2402 255	Filing a brief in support of an appeal	
1403 1,030	2403 515	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 510	2452 255	Petition to revive - unavoidable	
1453 1,540	2453 770	Petition to revive - unintentional	
1501 1,440	2501 720	Utility issue fee (or reissue)	
1502 820	2502 410	Design issue fee	
1503 1,130	2503 565	Plant issue fee	
Petitions to the Commissioner - check fee sheet			
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 810	2809 405	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 810	2810 405	For each additional invention to be examined (37 CFR 1.129(b))	
1801 810	2801 405	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

(Complete if applicable)			
Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242
Signature		Telephone	(732) 936-1400

Date April 25, 2008

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

RECEIVED
CENTRAL FAX CENTER

APR 25 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/588,175	Michael Mrochen	Wuesthoff-10 (9A-99 194)
		INTERNATIONAL APPLICATION NO.
		PCT/EP05/01083
IA. FILING DATE	PRIORITY DATE	
02/03/2005	02/03/2004	

CONFIRMATION NO. 5061
371 FORMALITIES LETTER



OC000000028483990

Date Mailed: 02/26/2008

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 08/02/2006
- Copy of the International Search Report filed on 08/02/2006
- Copy of IPE Report filed on 08/02/2006
- Preliminary Amendments filed on 08/02/2006
- Information Disclosure Statements filed on 08/02/2006
- Small Entity Statement filed on 08/02/2006
- Request for Immediate Examination filed on 08/02/2006
- U.S. Basic National Fees filed on 08/02/2006
- Priority Documents filed on 08/02/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

TERRY M JOHNSON VESSELS

Telephone: (703) 308-9140 EXT 221

page 2 of 2